REMARKS

A Supplemental Information Disclosure Statement is submitted herewith.

In the Office Action dated October 15, 2004, the specification was objected to; claims 1-5, 8, 10, 11, 14, 17, 19, and 20 were rejected under 35 U.S.C. § 103 over U.S. Patent No. 5,598,186 (Edgar) in view of U.S. Patent No. 5,751,829 (Ringland); and claims 6, 7, 9, 12, 13, 15, 16, and 18 were rejected under § 103 over Edgar in view of Ringland and U.S. Patent No. 5,506,946 (Bar).

Amended claim 1 is allowable over the asserted combination of Edgar and Ringland. Claim 1 now recites a method that includes mapping a color image data signal to a defined color space to ascertain a corresponding color, determining an identity of the corresponding color; and sending the identity of the corresponding color over a network to a website. Neither Edgar nor Ringland describes determining an identity of a corresponding color (mapped to a color image data signal that is produced from a scanned object), in combination with sending the identity of the corresponding color over a network to a website. Therefore, the hypothetical combination of Edgar and Ringland cannot achieve the claimed invention, and thus, a *prima facie* case of obviousness cannot be established with respect to claim 1 over Edgar and Ringland.

Newly added independent claim 28 is similarly allowable over the asserted combination of Edgar and Ringland.

Independent claim 14 has been amended to recite a computer that performs the following tasks: in response to user selection, select a color region on a color image data signal (representative of an object that has been scanned by a scanning apparatus); determine a dominant color from a plurality of colors in the selected color region; map a portion of the color image data signal corresponding to the dominant color to the defined color space to ascertain an identity of the corresponding color; and present the identity of the corresponding color to a user.

In the rejection of dependent claim 17 (now cancelled), the Office Action cited column 17, lines 1-3 and 15-17, of Ringland as teaching the selection of one of a plurality of colors as the color to be matched. 10/15/2004 Office Action at 5. The cited passages of Ringland refer to the operation of a color operation management module 318 of Ringland. Ringland, 16:62-65. As taught by Ringland, when a user wishes to search on the basis of the color, a color palette of Pantone colors is presented so that a preferred color or color range can be chosen by the user.

Ringland, 16:67-17:3. A user selects one of the colors presented, and a color correlated search module takes the color(s) selected by the user and formulates an appropriate database query based on Pantone reference numbers. Ringland, 17:7-11. Thus, the selection of colors performed by the user is based on a palette of colors that is presented to a user in response to the user wishing to select on the basis of a color. This user selection of colors is not the same as a computer determining a dominant color within a selected color region of a color image data signal that represents an object that has been scanned by a scanning apparatus. Therefore, it is respectfully submitted that the hypothetical combination of Edgar and Ringland also cannot teach or suggest the invention of claim 14.

Newly added independent claim 25 is also allowable over the cited references. Claim 25 recites an article comprising a storage device containing program code that when executed cause a system to receive color image data representing an object scanned by a scanner, where the object has a texture; process the color image data to remove influence of the texture, the processing producing a de-texturized color image data; and map the de-texturized color image data to determine a corresponding color in a defined color space.

As conceded by the Office Action in the rejection of claim 9 (which depends from claim 1), neither Edgar nor Ringland discloses the task of removing influence of texture from a color image data signal. 10/15/2004 Office Action at 12. However, the Office Action cited Bar as disclosing this feature, pointing specifically to column 5, lines 28-38, of Bar. The cited passage of Bar refers to *preserving* shading and *texture* of an image region. Preserving the texture of an image region contradicts the subject matter of claim 25, which recites processing the color image data to *remove influence of the texture*. As taught by Bar, when performing touch-up or painting of images in prior art systems, fill operations are typically performed in which a region of an image is filled with a selected color, which completely overwrites any prior color and consequently removes any shading or texture that appeared in the selected region. Bar, 1:30-48. The textures or shadings are destroyed by these prior art fill operations. Bar, 1:48-49. To overcome this shortcoming of prior art systems, Bar proposed a technique that *preserves* shading and texture in the original scene and allows a user to selectively color edit the image to improve the appearance of the image. Bar, 3:19-21. In other words, rather than teach the processing of a color image data to *remove* influence of the texture, Bar teaches that the texture has to be

preserved. Therefore, the hypothetical combination of Edgar, Ringland, and Bar does not teach or suggest the claimed subject matter. A *prima facie* case of obviousness therefore cannot be established with respect to claim 25.

Moreover, even if Bar can be interpreted to teach the processing of a color image data to remove influence of texture, there is no teaching or suggestion in any of the cited references, Edgar, Ringland, or Bar, of mapping *de-texturized* color image data to determine a corresponding color in a defined color space. This is a further reason that a *prima facie* case of obviousness cannot be established with respect to claim 25.

Dependent claims, including newly added dependent claims 21-24, 26, 27, and 29-32, are allowable for at least the same reasons as corresponding independent claims.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (10004872-1).

Respectfully submitted,

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